

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

GABRIEL CHAVEZ,

Defendant.

8:18CR146

ORDER

This matter is before the Court on Defendant's UNOPPOSED MOTION TO ENLARGE TIME TO FILE PRE-TRIAL MOTIONS [54]. The Court notes that a jury trial as to all defendants is set for December 31, 2018, before District Judge Robert F. Rossiter, Jr., and that Defendant's motion [54] was filed out of time. However, for good cause shown, I find that the motion should be granted. Defendant will be given an approximate forty-five (45) day extension. Leave is given to file pretrial motions on or before December 31, 2018. Accordingly,

IT IS ORDERED:

1. Defendant's UNOPPOSED MOTION TO ENLARGE TIME TO FILE PRE-TRIAL MOTIONS [54] is granted. Pretrial motions shall be filed on or before December 31, 2018.

2. The jury trial scheduled for December 31, 2018 as to all defendants is cancelled, and shall be rescheduled upon the expiration of the December 31, 2018, pretrial motion filing deadline.

3. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between November 14, 2018, and December 31, 2018, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel required additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

Dated this 15th day of November, 2018.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge